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as a weapon corresponding to what the employees have in the shape of strike. We therefore hold in agreement with the Tribunal that clause (*b*) of Section 33 has not been contravened by the Company by declaring the lock-out.

"The next point for consideration is whether the lock-out contravenes clause (1) of that section. We have already said that the services of employees locked out are not automatically terminated by a lock-out. The question is whether any of the conditions of their service are altered thereby to their prejudice. The contention of the Union is that they are because those employees do not in fact get their pay during the period of lock-out with the possibility of losing it. In our opinion the conditions of their service would be altered by a lock-out if they lose their right to receive their pay during the period of lock-out in all circumstances. But the question whether they would be entitled to get pay during that period cannot be postulated with certainty, for that would depend upon a variety of considerations. In our opinion to bring a case within clause (*a*) of Section 33 the questioned act of the employer must directly and in fact alter the conditions of service to the prejudice of the workman or workmen concerned that is to say the moment the lock-out was declared. The possibility that they may or they may not get their pay means that the lock-out may or may not alter the conditions of their service to their prejudice. Thus, clause (*a*) would not be attracted by the fact of a lock-out. We accordingly hold that the decision of the Tribunal on the preliminary objection is right".

According to this ruling of the Appellate Tribunal, no permission is necessary under Section 33 of the Industrial Disputes Act for declaring a lock-out.

From the facts of this case stated above, we have already found that the lock-out had ceased even prior to the Government Order prohibiting the continuance of the lock-out and even if there was a lock-out after 3rd October 1951, the provisions of Section 33 of the Act do not apply and therefore this Complaint under Section 33-A is not maintainable.

NOTIFICATION.

No. L.S. 4757—L.W. 162-51-13, dated Bangalore, 27th February 1952.

Whereas under Section 33-A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Channiah and thirty-eight other employees of the Mysore Lac and Paint Works, Ltd., Mysore, to the Industrial Tribunal, Bangalore, constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951, to the effect that

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the Management of the said Factory has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, His Highness the Maharaja of Mysore hereby directs that the said award be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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